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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/584,324

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Ralf Schaefer

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EXAMINER

HONG, HYUN J

ART UNIT

PAPER NUMBER

2426

MAIL DATE

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12/15/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/584,324	Applicant(s) SCHAEFER ET AL.	
	Examiner Hyun J. Hong	Art Unit 2426	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>06/26/06, 06/19/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-10 are pending.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 9-10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The “descriptor” is an abstract idea. This subject matter does not fall within a statutory category of invention because it is not limited to a process, machine, manufacture, or a composition of matter.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cao (US 2004/0187161) in view of Crocitti (US 2001/0021996).

4. **Regarding claim 1**, Cao discloses method of recognition, by a receiver connected to a bidirectional network, of digital services on the bidirectional network, characterized in that it comprises at least the following steps:
5. the receiver connects to a first stream ([0033]);
6. the receiver extracts from said stream information on the location on the network, on the one hand, of streams conveying the content of these services and, on the other hand, of separate streams conveying information describing these services ([0039, 0046]);
7. the receiver connects to at least some of the streams conveying the service description information to obtain information on these services ([0039]);
8. Cao does not specifically disclose the receiver uses this information to construct a list, possibly unitary, of services available on the network.
9. However, Crocitti discloses that the receiver uses this information to construct a list, possibly unitary, of services available on the network ([0028]). It would have been obvious to combine the list of Crocitti into the stream information of Cao. This would allow the rapid installation of digital decoders tailored to a horizontal market.

Regarding claim 2, Cao discloses in which all the signaling tables relating to a service are contained in at least one stream other than the stream conveying the content of said service ([0039]).

Regarding claim 3, Cao discloses a step for testing the mapping between an identifier and a filter contained in the descriptor of a stream used to determine whether a table having this identifier is available in said stream ([0040, 0041]).

Regarding claim 4, Cao discloses in which the first broadcast IP address and the first port number are entered by the user ([0046]).

Regarding claim 7, Cao discloses in which the list of services is included in the NIT contained in the stream available at the first broadcast IP address on the first port ([0039-0041]).

Regarding claim 8, Cao discloses device having means of connecting to a broadcast IP address via means of connection to an IP network and means of decoding a DVB stream broadcast to this broadcast IP address, characterized in that the DVB stream decoding means have the capability of analyzing an NIT, extracted from the stream, containing network descriptors suited to the IP network ([0041, 0047]).

Cao does not specifically disclose each broadcast IP address described in said NIT to read in it a DVB stream and extract from it the information on the services offered on the network.

10. However, Crocitti discloses each broadcast IP address described in said NIT to read in it a DVB stream and extract from it the information on the services offered on the network ([0028]). It would have been obvious to combine the list of Crocitti into the stream information of Cao. This would allow the rapid installation of digital decoders tailored to a horizontal market.

11. Claims 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cao (US 2004/0187161) in view of Crocitti (US 2001/0021996) in view of Van Willingen (US 7,386,879).

Regarding claim 5, Cao in view of Crocitti does not specifically disclose in which the first IP address and the first port number are obtained from the network by the receiver.

However, Van Willingen discloses in which the first IP address and the first port number are obtained from the network by the receiver (col. 4 lines 44-47) It would have been obvious to combine the IP retrieval of Van Willingen into the stream information system of Cao in view of Crocitti. This would enable a new terminal to be added to the network without manual configuration.

12. Claims 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cao (US 2004/0187161) in view of Crocitti (US 2001/0021996) in view of Ludvig (US 2003/0233451).

13. **Regarding claim 6**, Cao in view of Crocitti does not specifically disclose in which the streams contain only a single DVB service.

14. However, Ludvig discloses in which the stream contain only a single DVB service ([0053]). It would have been obvious to combine the single stream of Ludvig into the stream information system of Cao in view of Crocitti in order to enable program selection according to a user's preference.

15. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cao (US 2004/0187161) in view of Lahr (US 7,013,322).

Regarding claim 9, Cao discloses descriptor of a service for broadcasting a DVB stream for inclusion in an NIT, characterized in that it contains the broadcast IP address of a stream server and a port number to which said server broadcasts a DVB stream conveying the content of a service over an IP type network ([0041]).

Cao does not specifically disclose at least one descriptor containing the broadcast IP address of a stream server and a port number to which said server broadcasts a DVB stream conveying signaling information relating to said service.

However, Lahr discloses at least one descriptor containing the broadcast IP address of a stream server and a port number to which said server broadcasts a DVB stream conveying signaling information relating to said service (col. 11 lines 35-41). It would have been obvious to combine the stream server IP of Lahr into the stream information system of Cao. This allows a device to have quick access to network information that is needed in response to a user selecting a specific program supported by a stream server.

Regarding claim 10, see the rejections of claim 3 and 9.

Conclusion

Art Unit: 2426

Claims 1-10 are rejected.

Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hyun J. Hong whose telephone number is (571)270-1553. The examiner can normally be reached on M-F (9:30a-7:00p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hirl can be reached on (571)272-3685. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. J. H./
Examiner, Art Unit 2426

/Joseph P. Hirl/
Supervisory Patent Examiner, Art Unit 2426
December 13, 2009